

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. Claims 1-12 and 16 remain pending in the present application.

By way of summary, the Office Action presented the following issues: the Office objected to the claims under 37 C.F.R. § 1.126 as not preserving the original numbering of the claims; and Claims 1-12 and 16 stand rejected under 35 U.S.C. § 103(a) as obvious over Hirohata (Japanese Patent Application Publ'n No. 2002-135671) in view of Ferris (U.S. Patent Application Publ'n No. 2003/0104832 A1).

CLAIM OBJECTIONS

The Office objected to the claims under 37 C.F.R. § 1.126 as not preserving the original numbering of the claims.

The Amendment filed April 14, 2009, canceled Claims 13-15 and added a new claim. The Rule states, “When claims are added, they must be numbered . . . consecutively beginning with the number next following the highest numbered claim previously presented . . .” As Claim 15 was the highest numbered claim previously presented, the newly added claim must be numbered consecutively beginning with the number next following 15 (i.e., 16).

Applicants are at a loss to understand why the Office has objected to the claims and has renumbered Claim 16 at this time.¹

Applicants respectfully request that the withdrawal of the objection under 37 C.F.R. § 1.126.

¹ The Rule continues, “When the application is ready for allowance, the examiner . . . will renumber the claims consecutively in the order in which they appear . . .”

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-12 and 16 stand rejected under 35 U.S.C. § 103(a) as obvious over Hirohata in view of Ferris. Because the Office has failed to establish a *prima facie* case of obviousness with regard to independent Claims 1, 7, 12, and 16, Applicants respectfully traverse that rejection.

Claim 1 recites a method, including, in part, “receiving, from an external server, state information which indicates a state of a service . . . ; and transmitting to said broadcast receiver, said received state information and an address corresponding to said service” Applicants respectfully submit that Hirohata and Ferris fail to disclose or suggest those features.

Hirohata concerns a system, in which “the client device requests the URL information related to the TV broadcasting program being viewed . . . and obtains URL information which is synchronized . . . with the program”² The Office asserts that this URL discloses “receiving . . . information which indicates *information of a service*,”³ a mischaracterization of Applicants’ claim language.

It is well-established that “All words in a claim must be considered in judging the patentability of that claim against the prior art.”⁴ However, the Office appears to have ignored Applicants’ recitation of “a state of a service” in Claim 1.

Indeed, the Office appears to have relied upon the Hirohata URL reception as broadly describing a reception of information. Even assuming Hirohata describes a reception of information, the mere reception of information does not teach the skilled artisan a reception of information indicating a state of a service. Further, Hirohata does not teach one having ordinary skill in the art a reception of information indicating a state of a service corresponding to the URL.

²Hirohata, Abstract.

³Office Action at 3 (emphasis supplied).

⁴ MPEP § 2143.03; In re Wilson, 424 F.2d 1382, 1385 (CCPA 1970).

Hirohata simply does not disclose or suggest “receiving . . . state information which indicates a state of a service,” as advantageously recited in Claim 1.

Ferris concerns a mobile telephone to which “information on price or availability of products being displayed in a TV program may be transmitted . . .”⁵ That is, Ferris merely describes transmitting information on a price or an availability of products. Ferris does not disclose or suggest “receiving . . . state information which indicates a state of a service,” as advantageously recited in Claim 1.

Thus, it is respectfully submitted that Hirohata and Ferris, taken alone or in combination, fail to disclose or suggest “receiving . . . state information which indicates a state of a service,” as recited in Claim 1.

Accordingly, Applicants respectfully submit that Claim 1 (and all associated dependent claims) patentably distinguishes over any proper combination of Hirohata and Ferris for at least the reasons discussed above.

It is additionally submitted that independent Claims 7, 12, and 16 (and all associated dependent claims) are allowable for at least the reasons discussed above with regard to Claim 1.

Further, because the Office has failed to establish a *prima facie* case of obviousness with regard to the features of the independent claims, it will be appreciated that Applicants are under no obligation to submit evidence of non-obviousness in accordance with MPEP § 2142.

However, should the above points be found unpersuasive, Applicants respectfully request that the Office provide an explanation by Advisory Action pursuant to MPEP § 714.13 specifically rebutting the traversals of the claim objections and obviousness rejections included herein for purposes of facilitating the appeal process.

⁵ Ferris, para. [0033].

CONCLUSION

Consequently, in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the cited art and is in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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